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List of industries schemes proposed to be sanctioned for Malabar district under the Second Five-Year Plan—cont.

Handicrafts—cont.

(14) Establishment of a production-cum-training centre for developing cane industry.

(15) Establishment of a service-cum-training centre for art metal ware.

(16) Establishment of a training-cum-service centre for bamboo article manufacture.

Coir—

(17) Establishment of 25 primary societies, ten husk and one Central Marketing Society for the development of coir industry.

(18) Financial assistance to five co-operative societies.

(19) Model Coir Factory, Beypore.

Technical education—

(20) Opening of an Industrial School at Cannanore.

(21) Development of Kerala Polytechnic, Kozhikode.

APPENDIX III.

(Vide item IV on page 28 infra.)

THE MADRAS CULTIVATING TENANTS PROTECTION (AMENDMENT) BILL, 1956 (L.A. BILL No. 10 OF 1956).

Composition of the Select Committee.

CHAIRMAN :

1 The Hon. Sri M. A. MANICKAVELU.

MEMBERS :

2 ANANTA PAI, Sri T.

3 ARDHANARESWARA GOUNDER, Sri K. S.

4 ARUMUGHAM, Sri R. S.

5 ELUMALAI, Sri T. P.

6 KANDASAMI, Sri C.

7 LAKSHMIPATHY NAICKER, Sri K. S.

8 NARAYANA KURUP, Sri M.

9 PALANISWAMI GOUNDER, Sri V. K.

10 PALANIYANDI, Sri M.

11 RAJAGOPAL, Sri N.

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- 12 RAJARAM, Sri K.
- 13 RAMAMURTHI, Sri P.
- 14 SUBRAMANIAM, The Hon. Sri C.
- 15 SWAYAMPRAKASAM, Sri S.

SECRETARIAT :

- 1 Sri T. HANUMANTHAPPA, B.A. (Hons.), B.L. (*Secretary*).
- 2 Sri A. J. SABESA AYYAR, M.A. (*Deputy Secretary*).
- 3 Sri G. M. ALAGARSWAMY, B.A., B.L. (*Assistant Secretary*).

REPORT OF THE SELECT COMMITTEE ON THE
MADRAS CULTIVATING TENANTS PROTECTION
(AMENDMENT) BILL, 1956 (L.A. BILL No. 10 OF
1956).

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Cultivating Tenants Protection (Amendment) Bill, 1956 (L.A. Bill No. 10 of 1956), has the honour to make the following report.

2. The Bill was published in English in the *Fort St. George Gazette* Extraordinary, Part IV-A, dated the 10th August 1956, and in the Tamil and Kannada languages on the 29th August 1956.

3. The Committee was appointed by the Legislative Assembly on the 16th August 1956.

4. The Committee met in the Committee Room, Old Legislators' Hostel, Government Estate, Mount Road, on the 11th September 1956.

5. The Committee has subjected the provisions of the Bill to a careful scrutiny and as a result of such scrutiny has made various changes in the Bill.

The more important among them are noted below :—

Clause 3.

The Committee considers that personal cultivation should be defined on the lines of the definition of the cultivating tenant. The Committee has accordingly added a new definition for "personal cultivation" and the definition of cultivating tenant has also been amended suitably.

Clause 4.

This clause deals with amendments to section 3 of the principal Act consequent on the extension of the Act to the areas where the provisions of the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952) are in force and to certain

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areas in the South Kanara district where the provisions of the South Kanara Cultivating Tenants' Protection Act, 1954 (Madras Act VI of 1954), are in force. The Committee considers that the period of one month allowed for payment of arrears of rent in areas where these Acts were in force is not sufficient and has decided to change it to six weeks, i.e., forty-two days. The Committee has accordingly amended the proposed clause (a) of sub-section (2).

Clause 5.

This clause as originally drafted deals with the addition of a new sub-section (5) to section 4 of the principal Act to enable a cultivating tenant to apply to the Revenue Divisional Officer for restoration if he has been evicted in violation of the Act. The Committee considers that the period of one month prescribed for applying for restoration of possession is too short and has decided to enhance the period to two months. The proposed sub-section has been amended accordingly.

New clauses.

The Committee feels that the small landowner who will suffer a diminution in his income when the provisions of the Madras Cultivating Tenants (Payment of Fair Rent) Bill, 1956, come into effect should be given the right to resume for personal cultivation half the extent of land leased out by him subject to a maximum of five acres of wet land or its equivalent of other kinds of land but that it should be subject to the following conditions :—

(i) The right of resumption for personal cultivation be restricted only to those landowners who owned 2 velis of wet land or less or its equivalent on the date of coming into force of the Act, etc.

(ii) That the total extent of land under personal cultivation by a landowner already having some land under personal cultivation including the land resumed under this provision shall not exceed five acres of wet land or its equivalent.

(iii) That the tenant from whom the land has been resumed shall be entitled to restoration of the land in case the landowner does not cultivate the land or leases it to some other tenant.

The Committee also considers that the equivalent of the limit of 5 acres of wet land for resumption for personal cultivation should also be expressed in terms of its equivalent of dry as well as garden land. A new clause 6 has accordingly been added and a new definition (g) has been added in clause 3 (4) defining the equivalent of an acre of wet land.

The Committee is also of the view that provisions should also be made in the Bill (1) for compulsory execution of lease deeds in case of future tenancies on the lines of section 9 of the Tanjore Tenants and Pannaiyal Protection Act, 1952, and (2) to make the

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Revenue Divisional Officer subject to the revisional jurisdiction of the High Court. New sections 4-B and 6-B, respectively, have accordingly been added in clauses 6 and 7, respectively.

6. These and other minor changes made by the Select Committee are indicated in the annexed Bill.

7. The Committee considers that the Bill as amended by the Select Committee need not be republished in view of the very short interval of time before the next meeting of the Assembly when it has to be taken into consideration.

8. Dissenting minutes given by some Members are appended.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS-2.
17th September 1956.

C. SUBRAMANIAM,
Minister for Finance and Education.

ANNEXURE.

[NOTE.—The changes made are side-lined or underlined and the portions omitted are indicated by dots.]

L.A. BILL No. 10 OF 1956.

A Bill to amend and extend the duration of the Madras Cultivating Tenants Protection Act, 1955.

WHEREAS it is expedient to amend and extend the duration of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955);

BE it enacted in the Seventh Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Cultivating Tenants Protection (Amendment) Act, 1956.

2. *Amendment of section 1, Madras Act XXV of 1955.*—In section 1 of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955) hereinafter referred to as the principal Act),—

(a) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) It extends to the whole of the State of Madras other than the areas to which the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), extends.”;

(b) in sub-section (3), for the words “for a period of one year”, the words “for a period of three years” shall be substituted.

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3. *Amendment of section 2, Madras Act XXV of 1955.*—In section 2 of the principal Act,—

(1) for clause (a), the following clause shall be substituted, namely:—

“(a) ‘cultivating tenant’ in relation to any land means a person who carries on personal cultivation on such land belonging to another, under a tenancy agreement, express or implied, and includes—

(i) any such person who continues in possession of the land after the determination of the tenancy agreement, and

(ii) the heirs of such person, but does not include a mere intermediary or his heirs;”;

(2) after clause (b), the following clause shall be inserted, namely:—

“(bb) ‘garden land’ means dry land irrigated by lifting water from wells or other sources;”;

(3) after clause (c), the following clause shall be inserted, namely:—

“(cc) a person is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land;”;

(4) after clause (f), the following clause shall be added, namely:—

“(g) one acre of wet land shall be deemed to be equivalent to one and a half acres of garden land or three acres of dry land and any reference to acres of wet land shall be deemed to include a reference to dry or garden land reduced to their equivalent extent of wet land;”.

4. *Amendment of section 3, Madras Act XXV of 1955.*—In section 3 of the principal Act—

(a) in sub-section (2)—

(i) for clause (a), the following clauses shall be substituted, namely:—

“(a) who, in the areas where the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952) and in the areas where the South Kanara Cultivating Tenants Protection Act, 1954 (Madras Act VI of 1954), were in force immediately before the date of coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956, if in arrear at the commencement of this Act, with respect to the rent payable to the landlord does not pay such rent within six weeks after such commencement or who in respect of rent payable to the landlord after the commencement of this Act, does not pay such rent within a month after such rent becomes due; or

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(aa) who, in the other areas of the State of Madras, if in arrear at the commencement of this Act, with respect to the rent payable to the landlord and accrued due subsequent to the 31st March 1954, does not pay such rent within a month after such commencement, or who in respect of rent payable to the landlord after such commencement, does not pay such rent within a month after such rent becomes due; or ”;

(ii) the Explanation shall be numbered as Explanation I, and after the Explanation as so numbered, the following Explanations shall be added, namely :—

“ *Explanation II.*—In relation to areas where the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952), and to areas where the South Kanara Cultivating Tenants Protection Act, 1954 (Madras Act VI of 1954), were in force immediately before the date of coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956, the expression ‘ commencement of this Act ’ wherever it occurs in this Act shall be construed as referring to the date aforesaid.

Explanation III.—For the purposes of this section, ‘ arrear ’ shall not include the rent payable to the landlord and accrued due before—

(i) the 23rd August 1952 in the Tanjore district,

(ii) the 1st July 1953 in the areas other than the Tanjore district where the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952) was in force,

(iii) the 1st April 1953 in areas where the South Kanara Cultivating Tenants Protection Act, 1954 (Madras Act VI of 1954) was in force.”;

(b) in sub-section (4), in clause (b), after the word, letter and brackets “ clause (a) ”, the words, letters and brackets “ or clause (aa) ” shall be inserted.

5: Amendment of section 4, Madras Act XXV of 1955.—In section 4 of the principal Act—

(1) in clause (ii) of sub-section (2), for the words “ has been cultivating the land by his own labour or by that of any other member of his family or by hired labour under his supervision or control ”, the words “ has been carrying on personal cultivation on the land ” shall be substituted;

(2) for the Explanation to sub-section (2), the following Explanation shall be substituted, namely :—

“ *Explanation.*—The extent referred to in clause (i) to (iii) above is 6-2/3 acres of wet land.”;

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(3) after sub-section (4), the following sub-section shall be added, namely :—

“(5) Any cultivating tenant who after the commencement of this Act has been evicted except under the provisions of sub-section (4) of section 3 shall be entitled to apply to the Revenue Divisional Officer within two months from the date of such eviction or within two months from the date of coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956, for the restoration to him of the possession of the lands from which he was evicted and to hold them with all the rights and subject to all the liabilities of a cultivating tenant. The provisions of sub-section (4) shall, so far as may be, apply to such an application.”

6. *Insertion of new sections 4-A and 4-B in Madras Act XXV of 1955.*—After section 4 of the principal Act, the following sections shall be inserted, namely :—

“4-A. *Right of landlord to resume land for personal cultivation.*—(1) Notwithstanding anything contained in any other provision of this Act, a landlord shall be entitled to resume possession for purposes of personal cultivation one-half of the extent of the lands but not exceeding 5 acres of wet land to which he is entitled to possession but which he has leased out to a cultivating tenant.

(2) Any landlord desiring to resume any land under sub-section (1) shall apply to the Revenue Divisional Officer and on receipt of such application, the Revenue Divisional Officer shall, after giving a reasonable opportunity to the landlord and the cultivating tenant in possession of the land to make their representations, hold a summary inquiry into the matter and pass an order either directing the cultivating tenant to put the landlord in possession of the land or dismissing the application. In passing an order directing the cultivating tenant to put the landlord in possession, the Revenue Divisional Officer may impose such conditions as he may consider just and equitable including conditions in regard to the reimbursement, by the landlord, of the cultivating tenant in respect of the expenses incurred by him or the labour contributed by him on any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement.

Explanation.—In lieu of imposing any condition relating to reimbursement as provided above, the Revenue Divisional Officer may, in his discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon at the time when the order is passed, has been harvested.

(3) Nothing in sub-section (1) shall be deemed to entitle any landlord to resume possession, if, on the day the Madras Cultivating Tenants Protection (Amendment) Act, 1956, comes into force, he owns land exceeding 13-1/3 acres of wet land or the extent of land

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which he is entitled to resume possession of under sub-section (1) would along with the land of which he is already in possession either as owner or as tenant or as both exceed 5 acres of wet land or he has been assessed to any sales tax, profession tax or income-tax under the laws relating to the levy of such taxes during 1954-55 or 1955-56.

(4) No person who is not entitled to resume possession under this section on the day the Madras Cultivating Tenants Protection (Amendment) Act, 1956, comes into force, shall be deemed to be so entitled by reason of any subsequent change in his circumstances.

(5) If any landlord who has resumed possession of any land under the provisions of this section does not carry on personal cultivation on the land within a year of such resumption or allows the land to lie fallow for more than a year the cultivating tenant from whom the land has been resumed shall, on application to the Revenue Divisional Officer, be entitled to be restored to possession of that land and to hold it with all the rights and subject to all the liabilities of a cultivating tenant. The provisions of sub-section (4) of section 4 shall, so far as may be, apply to such an application.

4-B. *Execution of lease.*—(1) In the case of every tenancy agreement entered into after the coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956, between a cultivating tenant and a landlord, a lease deed shall be executed in triplicate in the prescribed form, within a reasonable time after the commencement of such tenancy, specifying the name and description of the cultivating tenant, the name (if any), survey number, description and extent of the land leased out, and the terms of the tenancy; and shall be signed both by the landlord or his agent and by the cultivating tenant. One of the three copies shall be kept by the landlord, one shall be kept by the cultivating tenant and the third shall be caused to be lodged in the Taluk office by the landlord or his agent within a fortnight of the date on which the cultivating tenant signs it:

Provided that if the landlord or the cultivating tenant refuses or delays unreasonably to execute the lease deed, it shall be open to the cultivating tenant or the landlord, as the case may be, to lodge the deed in the Taluk office with a declaration that the other party has refused or delayed unreasonably to execute it

(2) No stamp need be affixed to the lease deed.

(3) In the case of any tenancy, if the landlord or his agent, or the cultivating tenant refuses to sign or fails to lodge the lease deed in accordance with the provisions of sub-section (1), the Revenue Divisional Officer may impose on the landlord or the cultivating tenant, as the case may be, a penalty which may extend to fifty rupees; and any penalty so imposed may be recovered as if it were an arrear of land revenue."

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7. Insertion of new sections 6-A and 6-B in Madras Act XXV of 1955.—After section 6 of the principal Act, the following sections shall be inserted, namely :—

“ 6-A. Transfer of certain suits to the Revenue Divisional Officer by Civil Courts.—If in any suit before any Court for possession of, or injunction in relation to, any land, . . . it is proved by affidavit or otherwise that the defendant is a cultivating tenant entitled to the benefits of this Act, the Court shall not proceed with the trial of the suit but shall transfer it to the Revenue Divisional Officer who shall thereupon deal with and dispose of it as though it were an application . . . under this Act and all the provisions of this Act shall apply to such an application and the applicant.

6-B. Revision by High Court.—The Revenue Divisional Officer shall be deemed to be a Court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and his orders shall be liable to revision by the High Court under the provisions of that section.”

8. Continuation in force of the principal Act.—The principal Act shall be deemed to have continued in force until the date of coming into force of this Act and the principal Act as amended by this Act, shall continue in force for the period specified in sub-section (3) of section 1 of the principal Act as amended by this Act.

9. Repeal of Madras Act VI of 1954.—(1) The South Kanara Cultivating Tenants Protection Act, 1954 (Madras Act VI of 1954) is hereby repealed.

(2) Notwithstanding such repeal, all proceedings taken under the said Act and which are pending on the date of coming into force of this Act shall . . . be disposed of . . . by the Court before which such proceedings are pending as if this Act had not been passed.

10. Act to override Madras Act XIV of 1952.—If any provision contained in the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952), is repugnant to any provision contained in the principal Act as amended by this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be of no effect.

11. Transitory provision.—(1) Any application made to a Conciliation Officer under the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952) and pending on the date of the . . . coming into force of this Act, shall, if it relates to a matter falling within the purview of the principal Act, as amended by this Act, be transferred to and disposed of by

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the Revenue Divisional Officer, who would have had jurisdiction to entertain such application under the principal Act, as if it had been made thereunder.

(2) All appeals pending with the Revenue Court on the date of . . . coming into force of this Act shall be disposed of by that Court as if this Act had not been passed.

12. Saving.—(1) Any proceeding under the principal Act which has been disposed of between the 27th September 1956 and the date of coming into force of this Act on the footing that the principal Act was not in force at the relevant time, shall be re-opened and disposed of in accordance with the provisions of the principal Act.

(2) Any cultivating tenant who has been evicted from any land between the dates referred to in sub-section (1) on the footing that the principal Act was not in force at the relevant time, shall, on application be entitled to be restored to the possession of such land on the same terms as those applicable to the possession of it under the principal Act.

(3) The provisions of section 4 of the principal Act shall, so far as may be, apply to an application made under sub-section (2).

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS-2,
17th September 1956.

T. HANUMANTHAPPA,
Secretary.

APPENDIX.

DISSENTING MINUTES.

I

The right of landlord to resume land for personal cultivation has been conceded in the Bill. But it has been limited to half the extent of the lands but not exceeding five acres. Hence I have to state the plight of small landowners has not been taken into consideration. A landowner owning one acre of land can resume only half an acre. The Planning Commission has rightly pointed out the necessity of preventing fragmentation of existing holding below the level of an economic holding.

Taking the conditions prevailing in Madras State, three acres of wet land can be considered as an economic holding.

Therefore, I suggest that a landholder owning two acres of wet land and less should be permitted to resume the entire extent for personal cultivation.

MADRAS,
13th September 1956.

N. RAJAGOPAL.

II

The Madras Cultivating Tenants Protection Act (1955) was a temporary measure whose sole purpose was to prevent evictions of tenants by landlords, pending the enactment of comprehensive land reforms. The Government itself stated this categorically on the floor of the Legislature when the Bill was under discussion last year.

The Government for reasons best known to themselves have postponed such measures which have necessitated the extension of the protection under the Madras Cultivating Tenants' Protection Act, 1955, The Madras Cultivating Tenants Protection (Amendment) Bill, 1956, sought to extend the protection for a further period of two years, with some provisions, which have been shown to be necessary to carry out the intentions and purposes of the Act, during the course of the working of the Act.

However, the Government at the last minute, have introduced a further amendment which seeks to confer the right of resumption on certain landlords.

This introduces certain basic principles of land reform in a measure of a purely temporary character and with a limited purpose. Thereby the issue has become unnecessarily complicated.

We are totally opposed to this slipshod method of dealing with the land problem. Far from giving the tenants protection, the Bill, if enacted with these provisions, will become a tenants eviction Bill. This is an attempt to nullify any real land reform and will complicate the solution of the land problem.

As far as the question of the right of resumption for personal cultivation is concerned, we are not opposed to it on principle in deserving cases. But the conferment of the right must be designed as part of measures for the fixation of a ceiling on landholding. The excess land over the ceiling could be brought into a pool, from which the tenants who are displaced by the small landlords allowed to resume the land for personal cultivation, could be given land for their cultivation.

In fact experience of conferring such right of resumption in other States has actually shown the need for such provisions. Hence it is that in Punjab, for example, the right has been coupled with the condition that the Government is able actually to give the displaced tenant a minimum of five standard acres.

Even if the Government is not thinking to fix a ceiling on landholding, it could at least fix a ceiling on the extent of land for personal cultivation, whether by landlords or tenants. That itself would place at the disposal of the Government land which would lead to a smooth solution of the question of right of resumption.

The Government refuse to accept this simple course. Actually, during the last few years, many landlords have ejected their tenants, and have hundreds of acres under so-called personal cultivation. The Act of 1955 came too late to prevent these large evictions. The Second Plan itself admits this fact.

Many of them have even divided their lands among their relations—a fact vouchsafed by no less a person than the Prime Minister.

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The refusal of the Government to fix at least a ceiling on the extent of land for 'personal cultivation' while its insistence on the conferment of the right of resumption on small landholders cannot but lead to doubts regarding the *bona fides* of the intention of the Government. It seeks to pit the small landlords against the tenants, while allowing the big landlords, to go scotfree. It is not bothered about the large-scale unemployment that this measure is going to engender in the countryside.

We have no doubt that the small landholder would be satisfied with an assurance that the Government would allow the deserving among them to resume land for personal cultivation, as part of a measure fixing a ceiling either on landholding or on the extent of land for personal cultivation.

If the Government gives an assurance that it would take up such a measure during the course of the next year, then we would be satisfied if the protection that is now extended is limited to one year only. In fact, that itself, would act as an incentive to tackling the problem with energy and expedition.

Under the circumstances, we are opposed to the provisions of the Bill as it has emerged from the Select Committee, relating to the resumption of land for personal cultivation.

MADRAS,

18th September 1956.

P. RAMAMURTHI.

C. KANDASAMY.

III

The new amendment incorporated in the Bill, allowing resumption of lands for personal cultivation of the landlord, changes the entire character of the Bill with the result that it has become a misnomer to call it a Tenants Protection Bill. The mischief is sought to be covered under the plea of doing justice to small landowners. Nobody will grudge protection to small landowner; but a poor tenant whose very existence depends on the lands he cultivates, deserves equal, if not more, sympathetic consideration. There may be cases where the interest of small landowner may conflict with that of the tenant. The primary object of agricultural land is to produce food for the society and historically ownership has followed possession, a fact which is emphasised by the dictum that possession is nine points in law. So a cultivating tenant's interest has to be protected in preference to that of the landowner who has never cared to put the land for the intended use but chosen to follow other avocations. A poor tenant must be left at least in possession of two acres of land in any event.

The Bill is a typical example of the pitfalls and dangers of applying a good principle in a wrong context. The result of working of the provisions relating to resumption of land for personal cultivation will be to leave big landowners and rich tenants in possession of hundreds or even thousands of acres of land which they occupy and dispossess innumerable petty tenants swelling the class of landless labour. Another obnoxious feature will be that in cases where a landowner having three or four tenants, some of them being rich and well-to-do, nothing prevents the landowner from dispossessing the poorest of the lot and driving him to destitution. If protection to small landowners were sought to be given in a measure containing comprehensive agrarian reforms limiting the size of holdings, it could have been accomplished

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with far less injustice towards the tiller of the soil. The resumption clause is the thin end of the wedge intended to deprive tenants of lands by the time of the so-called comprehensive reforms. It is argued that not all landowners are allowed to resume lands and a landowner having $12\frac{1}{2}$ acres has no such right. It has to be remembered in this connection that 82 per cent of holding in this State is two acres and less. The implication is that there is the possibility of the majority of cultivating tenants being deprived of their holdings.

Again the intention of protecting the landowner is not carried out by the amendment. The right to resume land is given not to the landowner but the landlord. The distinction between the landowner and landlord is obvious. Every landowner is not the landlord of the tenant and every landlord is not a landowner. To take a concrete instance 'A' the landowner lets his land to 'B'. 'B' does not cultivate it personally but leases it to 'C' who is the cultivating tenant. Here, 'A' is the landowner, 'B' is the landlord and 'C' is the tenant and the right to resume land is given to 'B' and not to 'A'. It is patent that 'B' is only an intermediary; but the definition of landlord includes an intermediary and a Government which is committed to the elimination of intermediaries and pledged to make the tiller of the soil the owner thereof, by this provision favours and strengthens the status of intermediaries at the sacrifice of cultivating tenants.

The anxiety to hold the balance even between conflicting interests has made the law cumbersome and complicated. Simplicity is not its virtue. It would lead to interminable litigation, which in the present context means, success for the longest purse. I am totally opposed to this provision for personal cultivation in a measure of this type which, though a temporary and piecemeal measure, is capable of doing immense and irrevocable injury to the interest of cultivating tenants irrespective of the period of its duration. The Government are guilty of inordinate and inexcusable delay in implementing even the modest agrarian reforms suggested by the Planning Commission. If they are sincere and solicitous of the welfare of both the small landowners and poor cultivating tenants, nothing would prevent them from doing it; but this is not a measure calculated towards that end.

OTTAPALAM,
17th September 1956.

M. NARAYANA KURUP.

